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10 UNITED STATES DISTRICT COURT FOR  
11 THE NORTHERN DISTRICT OF CALIFORNIA  
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13 Chelsea, LLC, Mark Russo, Allen Loretz, and  
14 Ivan Simpson, individually and on  
behalf of all others similarly situated,

15 Plaintiffs,

16 v.

17 Regal Stone, Ltd., Hanjin Shipping, Co., Ltd.,  
18 Conti Cairo KG, NSB Neiderelbe, Synergy  
Maritime, Ltd. *In Personam*; M/V Cosco  
19 Busan, their engines, tackle, equipment,  
appurtenances, freights, and cargo *In Rem*,

20 Defendants.  
21

Case No. C-07-5800-SC

**[Proposed] Protective Order To  
Supervise And Limit Communication  
With Putative Class Members by  
Hudson Marine and the Defendants**

22  
23 This matter having come before this Court on Plaintiff's Ex Parte Motion for Order to  
24 Show Cause Why A Protective Order To Supervise Or Otherwise Limit Communications With  
25 Putative Class Members Should Not Issue. The parties have fully briefed the issues. The  
26 Court having considered the respective submissions of the Parties, the Court finds that, absent  
27 entry of this Order, Plaintiffs and Putative Class will suffer irreparable injury; it is on this  
28 \_\_\_\_th day of February, 2008, hereby ORDERED THAT:

**[PROPOSED] ORDER**

1           1.       Defendants, their agents, officers, employees, representatives, and all persons  
2 acting in concert or participating with them, including but not limited to Hudson Marine, be  
3 enjoined from conducting the “Claims Process” and associated communications by Defendants  
4 or their agents, until a Revised Claim Form and Revised Cover Letter is drafted and approved by  
5 the Court. If Defendants are responding to calls to their toll-free phone number and it becomes  
6 apparent that a caller is addressing any issues regarding this litigation, or the Oil Spill that is the  
7 subject of the litigation, Defendants will advise that caller that they are unable to comment on the  
8 matter at this time.

9           2.       Defendants, in cooperation with Class Plaintiffs,, will redraft, and submit for  
10 Court approval, a Revised Claim Form and Revised Cover Letter which Defendants and their  
11 agents will be required to exclusively use in communication with Putative Class Members  
12 (including telephone and in person meetings with Putative Class members), which includes:

13                   (a)     The following language: “Acceptance of any payment is without  
14                                prejudice to pursuit of any legal action in a court of law. Any payment  
15                                through the Claims Process will be credited against any recovery by  
16                                compromise, trial or other adjudication of past, present or future claims  
17                                arising out of the incident of November 7, 2007.”

18                   (b)     A complete description of the Claims Process, including the identity of  
19                                Hudson Marine and its employer, without conditions.

20                   (c)     Complete information regarding both class actions, including status of  
21                                actions and contact information of counsel for Plaintiffs in both class  
22                                actions.

23           3.       Defendants distribute, in cooperation with Class Plaintiffs and subject to Court  
24 approval, a Curative Notice with the Revised Claim Form and Revised Cover Letter to every  
25 Putative Class Member who has been provided a claim form (or returned a signed a claim form)  
26 with Defendants, Hudson Marine, or any other agent of the Defendants, which informs such  
27 members of their right to rescind their former agreement with Defendants, Hudson Marine, or  
28 any other agent of the Defendants and enter, if they choose, the agreement embodied in the

1 Revised Claim Form. The Defendants shall provide to Class Counsel a list of all claimants, with  
2 addresses of said claimants, who have been provided a claim form and/or have returned a signed  
3 claim form or a claim number;

4 4. Defendants shall cease and desist from interfering with any existing attorney  
5 client relationship and shall have no further communications with any person who is represented  
6 by any law firm. If a person indicates that he or she is represented by counsel, Defendants shall  
7 cease all communications with that person.

8 5. Defendants shall provide to plaintiffs counsel within ten (10) days of issuance of  
9 this order a copy of any and all telephone scripts or call sheets or any other documents relating to  
10 the claims process, including a list of all persons contacted by the Defendants and/or Hudson  
11 Marine as part of the claims process..

12 6. Upon approval of the Revised Claim Form and Revised Cover Letter, Defendants  
13 will open the Claims Process to all commercial fishermen with claims arising out of the Oil Spill.  
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17 **IT IS SO ORDERED.**

18 Dated:

19 \_\_\_\_\_  
20 THE HONORABLE. SAMUEL CONTI  
21 SENIOR UNITED STATES DISTRICT  
22 COURT JUDGE  
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